



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Martinsburg, WV 25405

www.atf.gov

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Dear **(b) (6)**

This refers to your correspondence to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch, about the manufacture of firearm silencers by non-licensees with regard to the Gun Control Act of 1968 (GCA) and the National Firearms Act (NFA).

As background, the GCA, 18 U.S.C. § 921(a)(3), defines the term "firearm" to include "...any firearm muffler or silencer..."

Further, the GCA, § 921(a)(24), defines the terms "firearm silencer" and "firearm muffler" to mean "...any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication."

In addition, the National Firearms Act (NFA), 26 U.S.C. § 5845(a)(7) defines "firearm" as "...any silencer (as defined in section 921 of title 18, United States Code)..."

In your proposed scenario, a non-licensed individual applies for and receives an ATF Form 1 (ATF 5320.1 *Application to Make and Register a Firearm*). After the individual receives the approved Form 1, they purchase a commercially available "solvent trap kit" with the intention of using it to manufacture a firearm silencer. You further stated "The kit is then machined and modified in order to produce suppressor parts used in a registered suppressor assembly."

-2-

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You then asked specifically, "*Does the hypothetical situation represent a violation of the NFA?*"

Answer: An individual, with an approved ATF Form 1, would not be violating the NFA by modifying a solvent trap and manufacturing parts to complete the registered silencer. An individual who manufactures a silencer after approval on an ATF Form 1 is not permitted to possess any additional silencer components for that device. Manufacturing additional parts, beyond those required for the registered device, would be "manufacturing," and would require a Type 07 Federal Firearms Manufacturer license, payment of the Special Occupational Tax, and registration of any additional silencer parts.

Additionally, you asked, "...*at what point do items that are not suppressor components become suppressor components?*"

Answer: A part need not be complete in order to be a "part." It need only be manufactured to the point where a critical line has been crossed or critical feature(s) formed to make it recognizable for what it is. Furthermore, as mentioned above, any part intended for use in assembling or fabricating a firearm silencer is, by definition, a silencer.

We trust that the foregoing has been responsive to your request for an evaluation. If we can be of any further assistance, please contact us.

Sincerely yours,



Michael R. Curtis

Chief, Firearms Technology Industry Services Branch